

PATENT

DOCKET NO.: ISIS0064-100 (RTS-0175)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Menia and Watt

Serial No.: 09/865,993

Group Art Unit: 1635

Filed: May 25, 2001

Examiner: J. Zara

Title: Antisense Modulation Of Dual Specific Phosphatase 5 Expression

Mail Stop AP
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION UNDER 37 CFR §1.132

Sir:

I, C. Frank Bennett, a citizen of the United States, residing at 1347 Cassina Street, Carlsbad, California 92009, do declare and state that:

1 I am the Vice President of Antisense Research at ISIS Pharmaceuticals, Inc., the assignee of the above-identified patent application. I hold the degree of Ph.D., and have been employed by the assignee of this application since 1989. I am an expert in the art of antisense technology.

2. I have read the Office Action dated January 27, 2001 and understand that the claims of this invention have been rejected as allegedly being obvious over the combination of Ishibashi et al., J. Biol. Chem., 1994, 269, 29897-29902, Sato et al., J. Biochem., 1998, 123, 1119-1126, Milner et al., Nature Biotechnol., 1997, 15, 537-541, and U.S. Patent No. 5,801,154. In addition, the statements in the Office Action regarding the alleged reasonable expectation of success by one of skill in the art for inhibiting the expression of dual specific phosphatase 5 with oligomeric compounds are unsupported and incorrect.